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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,719	03/15/2004	Donald R. Klein	361-2US	9987
20212	7590	12/20/2005		
THOMPSON LAMBERT SUITE 703D, CRYSTAL PARK TWO 2121 CRYSTAL DRIVE ARLINGTON, VA 22202			EXAMINER BRAHAN, THOMAS J	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,719

Applicant(s)

KLEIN, DONALD R.

Examiner

Thomas J. Brahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-9,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Echols. Echols shows a helicopter moving device for operation by an individual to move a helicopter having skids (16) and rear wheels (17) on the skids, the helicopter moving device comprising:

a lever (33) having a fulcrum (at 57), the lever having a length suitable for operation by an individual;

a helicopter skid connector (20) including a helicopter support arm (23) having opposed ends, each of the opposed ends being adapted for connecting to a different one of the skids (16) of a helicopter, the helicopter skid connector attached to the lever at a joint (32) in a position such that movement of the lever in an arc about the fulcrum causes a corresponding movement of the helicopter skid connector that is capable of lifting a helicopter at one end of the helicopter allow movement of the helicopter on the rear wheels of the helicopter by an individual operating the lever; and

a wheel (55) mounted on the lever and acts as the fulcrum.

The skid connector includes clamps (38 and 50), as recited in claim 2. The draft eye (34) forms a handlebar, as recited in claim 5.

4. Claims 1, 2 and 5-7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Patterson. Patterson shows a helicopter moving device for operation by an individual to move a helicopter having skids, the helicopter moving device comprising:

a lever (a longitudinal link of links 35 of wheel assembly 34) having a fulcrum (at the axles of wheels 22), the lever having a length suitable for operation by an individual (the individual operates cylinder 40 through controller unit 64; note the term "operates" is broad);

a helicopter skid connector including a helicopter support arm (the rear crossbeam 28) having opposed ends, each of the opposed ends being adapted for connecting to a different one of the skids of a helicopter, the helicopter skid connector attached to the lever at a joint in a position such that movement

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of the lever in an arc about the fulcrum causes a corresponding movement of the helicopter skid connector that is capable of lifting a helicopter at one end of the helicopter to allow movement of the helicopter by an individual operating the lever; and

a wheel (22) mounted on the lever (35) and acts as the fulcrum.

The helicopter moving device of Patterson could be positioned under one end of a helicopter which has wheels on the skids to roll the helicopter on its wheels, as functionally recited in line 10 of claim 1, note these are apparatus claims not method claims. The outward movements of fingers (84) have them clamped to the skids, as recited in claim 2. A handlebar (74) is attached to the lever arm (indirectly) as recited in claim 5. A motor (76) and drive mechanism (a coupling) is attached to wheel (22), as recited in claim 6. The clamps (84) are arranged on the support arm (28) for lateral adjustments, by pivoting arms (16) outwardly, as recited in claim 7.

5. Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by McRae. McRae shows a moving device for operation by an individual to move a vehicle, the moving device comprising:

a lever (24) having a fulcrum (at 66), the lever having a length suitable for operation by an individual;

a connector including a support arm (32) having opposed ends, each of the opposed ends being adapted for connecting to a different one of the skids of a helicopter (note that it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation and only requires the ability to so perform, in re Hutchinson 69 USPQ 138), the connector attached to the lever at a joint in a position such that movement of the lever in an arc about the fulcrum causes a corresponding movement of the connector that is capable of lifting a vehicle at one end to allow movement of the vehicle on the wheels at the opposite end of the vehicle by an individual operating the lever; and

a wheel (14 or 16) mounted on the lever (24) and acts as the fulcrum.

The intended use of the moving device for moving a helicopter with wheels on the skid is not given any patentable weight, as the device of McRae has all of the recited structural limitations and is capable of being positioned under one end of a helicopter to roll the helicopter on its wheels, as functionally recited in claim 1.

6. Claims 1, 19 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Able et al. Abel et al shows a helicopter moving device comprising:

a lever (10) having a fulcrum (at 32), the lever having a length suitable for operation by an individual;

a helicopter skid connector including a helicopter support arm (19) having opposed ends, each of the opposed ends being adapted for connecting to a different one of the skids of a helicopter (again as the "adapted to" phrase only requires the ability to so perform), the helicopter skid connector attached to the

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lever at a joint (20) in a position such that movement of the lever in an arc about the fulcrum causes a corresponding movement of the helicopter skid connector that is capable of lifting a helicopter at one end of the helicopter to allow movement of the helicopter on the rear wheels of the helicopter by an individual operating the lever; and

a wheel (32) mounted on the lever and acts as the fulcrum.

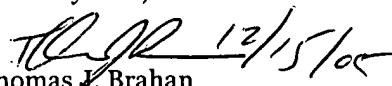
The intended use of the moving device for moving a helicopter with wheels on the skid is not given any patentable weight, as the device of Able et al has all of the recited structural limitations. The helicopter support arm (19) is pivotally attached (at 20) to the lever (10) as to rotate in a plane that contains both the lever and the plane, as recited in claim 19. The pin at the attachment is considered as releasable, as recited in claim 20.

7. Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Applicant's remarks in the amendment filed October 15, 2005, have been fully considered, but are deemed moot in view of the above new rejections. The amendment necessitated the new grounds, accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Ms. Katherine Matecki, can be reached at (571) 272-6951. The new fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thomas J. Brahan
Primary Examiner
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